

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD
Final Hearing Minutes September 15, 2010

The Sewage Handling and Disposal Appeal Review Board (the "Board") met on September 15, 2010, in the Main Floor Conference Room, James Madison Building, Richmond, Virginia. Board members present were Steven Thomas (Chairman), Danny Hatch, Amy Pemberton, and Ronnie Thomas. Assistant Attorney General Ishneila G. Moore, Counsel to the Board, and Gary Hagy, Acting Secretary to the Board were also present.

One appeal was on the docket for the Board's consideration Beverly and Joseph O'Neal. 11541 Danforth Road, Lot 8, Block L, Section F, Physic Hill Subdivision, Chesterfield County.

The hearing was called to order at 9:03 am by Steven Thomas. Mr. Roadcap and Mr. O'Neal both presented their opening statements.

After hearing the presentations and evidence in the appeal, Danny Hatch moved that the Board go into closed session pursuant to Section 2.2-3711.A.7 of the *Code of Virginia* for consultation with legal counsel pertaining to actual or probable litigations, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel. Ronnie Thomas seconded the motion. The motion carried unanimously.

Upon reconvening the hearings, Danny Hatch moved that the Board end its closed session and certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from opening meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board. Ronnie Thomas seconded the motion. The motion carried unanimously.

Amy Pemberton moved the Board sustain the Commissioner's decision to deny the O'Neals request for funds under the indemnification fund. The motion was seconded by Danny Hatch and the motion carried unanimously.

The hearing adjourned at 11:09 am

Gary Hagy, Acting Secretary to the Board

c: Robert W. Hicks
Allen Knapp
Dwayne Roadcap